S.B.CIVIL TRANSFER PETITION NO.10/2007

Tripti Sharma
vs.
Pradeep Sharma and another.

DATE OF ORDER ::: 16.4.2007

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr.Mahesh Bora, for the petitioner.
None present for the respondent no.1.

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Heard learned counsel for the petitioner as none appeared on behalf of the respondent no.1 on 28.3.2007, 6.4.2007 and today also.

The petitioner, wife of the respondent no.1, has filed this petition for transfer of the petition filed under Section 9 of the Hindu Marriage Act by the respondent and which is pending in the Family Court, Jodhpur.

The petitioner has filed complaint under Section 498A I.P.C. at Udaipur against which the respondent has filed petition under Section 482 Cr.P.C. which is pending at Jodhpur in this Court. The respondent no.1 also filed a criminal case against the petitioner which according to the petitioner has been filed to harass

the petitioner. The petitioner is residing at Udaipur which is about 280 kms. from Jodhpur. The petitioner submits that there is body to assist her to come to Jodhpur so as to contest the case at Jodhpur and it is not possible for her to come to Jodhpur on each date of hearing frequently.

I considered the submissions of learned counsel for the petitioner.

Since nobody has opposed the transfer petition and the fact that the petitioner is a young lady residing at Udaipur and looking to the overall facts and circumstances, it is a fit case for transferring the petition filed by the respondent from Jodhpur to Udaipur.

In view of the above, this transfer petition is allowed, the Civil Misc. Case No.22/2006 (Pradeep Sharma vs. Tripti Sharma) filed under Section 9 of the Hindu Marriage Act pending in the Court of Family Court, Jodhpur is hereby withdrawn and is transferred to the Family Court, Udaipur for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya